

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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| STERIC PAUL MITCHELL, |) | |
| ID # 46136-177, |) | |
| Movant, |) | |
| |) | No. 3:19-CV-1826-L-BH |
| vs. |) | No. 3:13-CR-128-L(1) |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |) | Referred to U.S. Magistrate Judge¹ |

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the movant's *Motion Requesting Informapauperis* [sic] *Status* on appeal (doc. 33), received on February 21, 2023 (doc. 33), and *Addendum to Motion Requesting Informapauperis* [sic] *Status*, received on March 28, 2023 (doc. 35).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the findings, conclusions, and recommendation, and the memorandum opinion and order filed in this case on June 3, 2022, and September 30, 2022, respectively (docs. 23, 30). The request should also be denied because the movant has not established that he is a pauper. The movant's certificate of inmate trust account shows an account balance of \$774.29 as of March 15, 2023, and a balance of up to \$1,009.19 over the last six months, which are sufficient funds to pay the applicable filing fees on appeal.

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

¹ By *Amended Miscellaneous Order No. 6* (adopted by *Special order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred.

SIGNED this 30th day of March, 2023.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE